

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIC PAUL KENNETH,

Petitioner,

v.

No. CV 17-1176 MV/CG

R. MARTINEZ, WARDEN,
and HECTOR BALDERAS,
ATTORNEY GENERAL,

Respondents.

ORDER DENYING MOTION FOR COURT ORDER

THIS MATTER is before the Court on Petitioner Eric Paul Kenneth's *Motion for Court Order* (the "Motion"), (Doc. 22), filed January 22, 2019. After reviewing the Motion and the relevant law, the Court finds the Motion is not well-taken and shall be **DENIED AS MOOT**.

On August 27, 2018, Petitioner Kenneth filed a *Notice of Appeal*, appealing to the Tenth Circuit Court of Appeals from this Court's *Memorandum Opinion and Order*. (Doc. 10, 11, 12). The Tenth Circuit entered an order denying a certificate of appealability and dismissing the appeal on April 24, 2019. (Doc. 23). More than ninety days have elapsed and Petitioner Kenneth did not file a petition seeking review of the Tenth Circuit's denial in the United States Supreme Court. Petitioner Kenneth's appeal is therefore now concluded and this case is closed.

In his *Motion for Court Order*, (Doc. 22), Petitioner Kenneth now seeks an order directed against non-party Ms. Perez, librarian for the Otero County Prison Facility. Petitioner Kenneth seeks to require Ms. Perez to provide library services to aid him in prosecuting his appeal in the United States Court of Appeals for the Tenth Circuit. (Doc.

22 at 1-2). Because Petitioner Kenneth's case is closed, the Court will deny the *Motion for Court Order*, (Doc. 22), as moot.

IT IS THEREFORE ORDERED that the *Motion for Court Order*, (Doc. 22), filed by Petitioner Eric Paul Kenneth is **DENIED AS MOOT**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE